

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

RECEIVED

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JOHN GLEZELIS,

Plaintiff,

-against-

A & P SUPERMARKERT a/k/a THE GREAT  
ATLANTIC AND PACIFIC TEA COMPANY,  
INC., POINT CONSTRUCTION COMPANY,  
INC., WASHINGTON CENTER ASSOCIATES,  
WASHINGTON SHOPPING CENTER, INC.,  
LAKELAND PARKS, INC., T. PARKER  
(first full name unknown), J.  
MICHAELS & CO., INC., SAM CHAMPI,  
P.E.

Defendants.  
-----X

JAN 16 1998

~~AT 8:00~~ 3:00 M  
WILLIAM T. WALSH  
Civil Action No. CLERK

COMPLAINT

98-234 (JWB)  
JURY TRIAL DEMANDED  
16, 1998

Plaintiff, by his attorneys, HANDWERKER MARCHELOS & GAYNER,  
P.C., complaining of the defendants, respectfully alleges upon  
information and belief as follows:

JURISDICTIONAL ALLEGATIONS

1. At the time of the commencement of this action,  
plaintiff was a citizen of the State of New York;
2. At the time of the commencement of this action,  
Defendant, A & P SUPERMARKERT a/k/a THE GREAT ATLANTIC AND  
PACIFIC TEA COMPANY, INC., was at the time of the commencement of  
this action a citizen of and/or incorporated in the State of New  
Jersey. This defendant was also doing business in the State of  
New Jersey, maintained an office at 2 Paragon Drive, Montvale,  
New Jersey and maintained a Retail Food establishment at 439  
Route 31 South, Washington, New Jersey;

3. Defendant, POINT CONSTRUCTION COMPANY, INC., was at the time of the commencement of this action a citizen of and/or incorporated in the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained its principal place of business at 75 Claremont Road, Bernardsville, New Jersey 07924;

4. Defendant, SAM CHAMPI, P.E. was, at the time of the commencement of this action, a citizen of the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained his principal place of business at 75 Claremont Road, Bernardsville, New Jersey 07924;

5. Defendant, WASHINGTON CENTER ASSOCIATES, was at the time of the commencement of this action a citizen of and/or incorporated in the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained its principal place of business at 237 South Street, Morristown, NJ 07960;

6. Defendant, LAKE LAND PARKS, INC., was at the time of the commencement of this action a citizen of and/or incorporated in the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained its principal place of business at 237 South Street, Morristown, NJ 07960;

7. Defendant, WASHINGTON SHOPPING CENTER, INC., was at the time of the commencement of this action a citizen of and/or incorporated in the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained its principal place of business in Morristown, New Jersey;

8. Defendant, T. PARKER, was at the time of the commencement of this action a citizen of the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained its principal place of business at 17 Academy Street, Newark, New Jersey;

9. Defendant, J. MICHAELS & CO., INC. was at the time of the commencement of this action a citizen of and incorporated in the State of New Jersey. This defendant was also doing business in the State of New Jersey and maintained its principal place of business at 44 N. Gaston Avenue, Raritan, New Jersey 08869;

10. The amount in controversy exceeds the sum of \$75,000.00;

#### **VENUE**

11. Pursuant to 28 U.S.C. §1391(a), venue is proper in the District of New Jersey because at least one defendant resides in that District and all defendants reside in the State of New Jersey. In addition, Venue is proper because this The District of New Jersey is where a substantial part of the relevant events occurred;

#### **FIRST CAUSE OF ACTION**

12. On or about January 18, 1996, plaintiff, JOHN GLEZELIS, was an employee of Lodato Construction Company of 73-39 68<sup>th</sup> Avenue, Middle Village, NY 11379 and working on the construction site/premises, an A & P Food Store, located at 439 Route 31 South, Washington, New Jersey. His duties consisted of constructing refrigeration units within the premises;

13. On or about January 18, 1996, at approximately 2:30 p.m. was in the process of preparing supports for a refrigeration ceiling panel when the ceiling panel, which had been resting on that portion of the refrigerator which had already been secured, was pushed along the existing structure through the opening and fell approximately 10 feet onto plaintiff's head. At the time of the accident, plaintiff was not provided with adequate tools, machinery or other safety devices necessary to perform the work;

14. At all times hereinafter mentioned, the aforesaid premises were owned, possessed, maintained and/or controlled by defendants, A & P SUPERMARKERT a/k/a THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC., WASHINGTON CENTER ASSOCIATES, WASHINGTON SHOPPING CENTER, INC., and/or LAKELAND PARKS, INC.;

15. At all times hereinafter mentioned, the defendants, A & P SUPERMARKERT a/k/a THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC., POINT CONSTRUCTION COMPANY, INC., T. PARKER, J. MICHAELS & CO., INC. and SAM CHAMPI, P.E. were the general contractors of the premises and as such were responsible for the safety of the persons working at the job site;

16. At the aforementioned time and place, plaintiff, JOHN GLEZELIS, was caused to sustain serious physical and emotional injury when the refrigeration ceiling panel was caused to fall onto his head as a result of the negligence of the defendants, the A & P SUPERMARKERT a/k/a THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC., POINT CONSTRUCTION COMPANY, INC., WASHINGTON CENTER ASSOCIATES, WASHINGTON SHOPPING CENTER, INC., LAKELAND PARKS, INC., T. PARKER, J. MICHAELS & CO., INC. and SAM CHAMPI,

P.E.

17. Defendants, A & P SUPERMARKET a/k/a THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC., POINT CONSTRUCTION COMPANY, INC., WASHINGTON CENTER ASSOCIATES, WASHINGTON SHOPPING CENTER, INC., LAKELAND PARKS, INC., T. PARKER, J. MICHAELS & CO., INC. and SAM CHAMPI, P.E. were careless, negligent and reckless individually and/or vicariously by and through the acts of their agents, servants and employees in failing to provide a safe place to work; failing to provide plaintiff with proper safety equipment for use on the job site including but not limited to hard hats, versa lifts, fork lifts, and other lifting devices and hoists; failing to instruct plaintiff of proper safety precautions in carrying out his duties on the job site;

18. That by reason of the foregoing and the negligence of the said defendants, this plaintiff, JOHN GLEZELIS, has suffered serious and severe personal and emotional injuries and is informed and verily believes, his injuries to be permanent in nature and he will be caused to suffer permanent and continuous pain and inconvenience in the future including emotional harm and a loss of enjoyment of life;

19. That by reason of the foregoing, this plaintiff, JOHN GLEZELIS, was compelled and did necessarily require medical attention and did necessarily pay and become liable therefore for medical care and medicines and upon information and belief, the plaintiff, JOHN GLEZELIS, will necessarily incur similar expenses in the future;

20. That by reason of the foregoing, the plaintiff, JOHN GLEZELIS, has been unable to attend to his usual occupation and avocation in the manner required and has incurred a loss as a result thereof including loss of wages;

21. As a result of the foregoing, plaintiff demands judgment against defendants in the sum not to exceed FIVE MILLION (\$5,000,000.00) DOLLARS;

**SECOND CAUSE OF ACTION**

22. Plaintiff repeats, reiterates and realleges each and ever allegation contained in the preceding paragraphs with the same force and effect as if set forth more fully herein;

23. Defendants, A & P SUPERMARKET a/k/a THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC., POINT CONSTRUCTION COMPANY, INC., WASHINGTON CENTER ASSOCIATES, WASHINGTON SHOPPING CENTER, INC., LAKE LAND PARKS, INC., T. PARKER, J. MICHAELS & CO., INC. and SAM CHAMPI, P.E., individually and vicariously by their agents servants and/or employees permitted a hazardous condition to exist, failed to provide sufficient safeguards or warnings of the hazardous conditions, failed to provide notice for individuals in plaintiff's position who might foreseeably be harmed by the hazardous condition, failed to meet proper standards for their work as they are generally recognized throughout the industry and were otherwise negligent in their work on the subject of the premises;

24. That by reason of the foregoing and the negligence of the said defendants, this plaintiff, JOHN GLEZELIS, has suffered serious and severe personal and emotional injuries and is

informed and verily believes, his injuries to be permanent in nature and he will be caused to suffer permanent and continuous pain and inconvenience in the future including emotional harm and a loss of enjoyment of life;

25. That by reason of the foregoing, this plaintiff, JOHN GLEZELIS, was compelled and did necessarily require medical attention and did necessarily pay and become liable therefore for medical care and medicines and upon information and belief, the plaintiff, JOHN GLEZELIS, will necessarily incur similar expenses in the future;

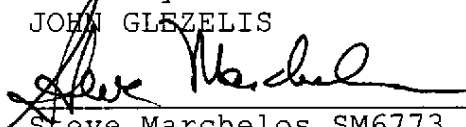
26. That by reason of the foregoing, the plaintiff, JOHN GLEZELIS, has been unable to attend to his usual occupation and avocation in the manner required and has incurred a loss as a result thereof including loss of wages;

27. As a result of the foregoing, plaintiff demands judgment against defendants in the sum not to exceed FIVE MILLION (\$5,000,000.00) DOLLARS;

WHEREFORE, the plaintiff demands judgment against defendants in the amount of \$5,000,000.00 on the first cause of action and in the amount of \$5,000,000.00 on the second cause of action, with costs;

Dated: January 16, 1998  
New York, New York

HANDWERKER MARCHELOS & GAYNER  
Attorneys for Plaintiff  
JOHN GLEZELIS

By:   
Steve Marchelos SM6773  
350 Broadway - 10th Floor  
New York, New York 10013  
(212) 431-8034

AND  
77 Milltown Road - Third Floor  
East Brunswick, NJ 08816  
(732) 432-4949



To:

A & P SUPERMARKET a/k/a  
THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC.,  
2 Paragon Drive  
Montvale, New Jersey 07645  
and  
439 Route 31 South  
Washington, New Jersey

POINT CONSTRUCTION COMPANY, INC.  
75 Claremont Road  
Bernardsville, New Jersey 07924  
and  
1300 Mt. Kemble Avenue  
P.O. Box 2075  
Morristown, New Jersey 07962

SAM CHAMPI, P.E.  
75 Claremont Road  
Bernardsville, New Jersey 07924

WASHINGTON CENTER ASSOCIATES  
237 South Street  
Morristown, New Jersey 07960

WASHINGTON SHOPPING CENTER, INC.  
237 South Street  
Morristown, New Jersey 07960

LAKELAND PARKS, INC.  
17 Academy Street  
Newark, New Jersey 07102

T PARKER  
17 Academy Street  
Newark, New Jersey 07102

J MICHAELS & CO., INC.  
44 North Gaston Avenue  
Raritan, New Jersey 08869